

# LOUDOUN COUNTY PLANNING COMMISSION

## ACTION SUMMARY

THURSDAY, APRIL 16, 2009

6:00 P.M.      WORKSESSION

LOCATION:    PURCELLVILLE ROOM  
Government Center  
1<sup>st</sup> Floor

**Commissioners Present:** Peggy Maio, Chairman, Blue Ridge District; Robert Klancher, Vice-Chairman, Broad Run District; Erin Austin, Catoctin District; Chris Brodrick, Potomac District; Sandra Chaloux, Michael Keeney, Sugarland Run District; Dulles District; Gigi Robinson, Leesburg District; Christeen Tolle, At Large.

**Commissioners Absent:** Helena Syska, Sterling District.

**Staff Present:** John Merrithew, Assistant Director of Planning; Ron Brown, Assistant County Attorney; Patrick Ryan, Economic Development; Mark Lewis-DeGrace, Lou Mosurak, George Phillips, Office of Transportation Services; Ken Harwood, Building and Development; Planners: Stephen Gardner, Ginny Rowen, Nicole Steele; Nancy Bryan, Recording Secretary.

### 1. CMPT 2008-0015, SPEX 2008-0044, ZMOD 2008-0018, NIVO SUBSTATION

This application was deferred to a later date.

### 2. SUPERCALIFRAGILISTICXPIALIDOTIOUSLY BEAUTIFUL AGRICULTURAL AND FORESTAL DISTRICT

Ms. Maio moved, seconded by Ms. Chaloux, that the Planning Commission adopt a recommendation to renew the Supercalifragilisticxpialidotiously Beautiful Agricultural and Forestal District, as described in Amended Attachment 4, for a term of ten (10) years and require any subdivisions or adjustments to parcels in the district meet the current zoning requirements or a minimum of ten (10) acres, whichever is greater.

**Vote:** (7-0-2, Keeney, Syska absent). *Staff Contact: Patrick Ryan*

### 3. MIDDLEBURG EAST AGRICULTURAL AND FORESTAL DISTRICT

Ms. Maio moved, seconded by Ms. Chaloux, that the Planning Commission adopt a recommendation to renew the Middleburg East Agricultural and Forestal District, as described in Attachment 2 and 4, for a term of ten (10) years and require any subdivisions or adjustments to parcels in the district meet the current zoning requirements or a minimum of fifty (50) acres, whichever is greater.

**Vote:** (7-0-2, Keeney, Syska absent). *Staff Contact: Patrick Ryan*

#### **4. MIDDLEBURG WEST AGRICULTURAL AND FORESTAL DISTRICT**

Ms. Maio moved, seconded by Ms. Austin, that the Planning Commission adopt a recommendation to renew the Middleburg West Agricultural and Forestal District, as described in Attachments 2 and 4, for a term of ten (10) years and require any subdivisions or adjustments to parcels in the district meet the current zoning requirements or a minimum of fifty (50) acres, whichever is greater.

**Vote:** (7-0-2, Keeney, Syska absent). *Staff Contact: Patrick Ryan*

#### **5. ZCPA 2008-0010, EAST GATE ONE PROFFER AMENDMENT, ZCPA 2008-0011, EAST GATE THREE PROFFER AMENDMENT**

##### **Public Comment:**

- Bernard Durham spoke in support of the application.
- Lois Conley had questions concerning plans for the development.
- Donald Conley had questions concerning plans for the development.

Ms. Chaloux moved, seconded by Ms. Austin, that the Planning Commission forward ZCPA 2008-0010, East Gate One Proffer Amendment and ZCPA 2008-0011, East Gate Three Proffer Amendment to the Board of Supervisors with a recommendation of approval subject to the proffers dated April 14, 2009, as amended by the applicant on April 22, 2009, and with the findings contained in the April 22, 2009 Staff Report. And, the Planning Commission further recommended that the Board of Supervisors apply the cash contribution for road improvements or traffic, pedestrian, and bicycle safety measures in the area bounded by Route 50, the Eastern Loudoun/Fairfax County boundary, Braddock Road and the existing Route 659 Gum Spring Road.

**Vote:** (5-0-4, Brodrick, Keeney, Syska, Tolle absent). *Staff Contact: Ginny Rowen*

#### **6. ZMAP 2008-0007, SPEX 2008-0057, FAIRFIELD AT RYAN'S CORNER**

##### **Public Comment:**

- Kim Lauer, President, Parkside HOA spoke in support of the application
- Brian Frumholt, President, Flynn's Crossing HOA spoke in support of the application.
- Ben Bryan, Vice President, Flynn's Crossing HOA spoke in support of the application.

Ms. Chaloux moved, seconded by Mr. Keeney, that the Planning Commission forward ZMAP 2008-0007, SPEX 2008-0057, Fairfield at Ryan's Corner, to the Board of Supervisors with a recommendation of denial based on the following findings:

1. Section 6-1211(E)3 asks the Commission to contemplate whether the range of uses in the proposed Zoning District classification for this application is compatible with the uses on other properties in the immediate vicinity. In the Zoning Referral, page 8-82, staff stated that eight of the nine parcels in this application were recently rezoned, the first one in 2004, and the second one amended as late as March 2006. Approximately

95% of the parcel is currently zoned R-16. The property's current density in zoning is more compatible with that of the surrounding parcels than what is proposed. The existing communities in this site vicinity are significantly less dense than the proposed project, ranging in density from 2 to 14 dwelling units per acre.

2. Section 6-1211(E)8 asks the Commission whether a reasonable, viable economic use of the property exists under the current zoning. The Zoning Staff Referral states that a reasonable and viable economic use of the property already exists under the current zoning of R-16 and R-2 as evidenced by the zoning and densities of the surrounding existing communities.
3. Section 6-1211(E)1 asks the Commission to evaluate whether the proposed zoning application is consistent with the Comprehensive Plan. Staff states that the application does not meet planned policy for internal open space requirements.
4. The proposed rezoning does not comply with the following Transit Node and Transit-Oriented Development policies in the Revised General Plan. First, that the highest land use intensities should be located closest to the transit stop at the commercial core, and that is considered within one-quarter mile from the transit stop. This parcel is located in the Transit Supportive Area, which is approximately .8 miles from the transit stop. Regarding walk sheds, the maximum distance that most people will walk to a transit stop is generally about one-quarter mile. The density for the Transit-Oriented Development, when served only by roads, is up to 16 dwelling units per acre for Residential. The Transit Supportive Area is meant to provide a transitional and complementary area between the high density core of the transit site and the surrounding development pattern outside of the Transit-Oriented Development. The Transit Supportive Area street network should complement and support the Transit-Oriented Development Area street network by providing multiple and direct vehicular bicycle and pedestrian connections to the transit station. I agree with staff that the proposed gated community and the illustrative layout of the project does not accomplish this goal.
5. The proposed rezoning does not meet the Plan's recommended land use mix for high density residential neighborhoods for public and civic space, and that is extremely important for high density residential communities to be successful.
6. Section 6-1211(E)4 also asks the Commission to contemplate whether adequate utilities, sewer and water, transportation, school, and other facilities exist or can be provided to serve the uses on the property if it were to be rezoned. Concerned about school capacity in this area is supported by the Loudoun County Public Schools Referral for this application, which states that the projected enrollment growth will surpass all potentially available future capacity that is embodied in existing proffers. Children from currently approved developments will more than fill the area schools. Additional development from new rezonings and by-right developments will place schools in further jeopardy from a capacity perspective. It also states that the total estimated capital cost to the County taxpayer for this project is \$6.4 million, and the yearly operating costs are estimated to be \$2.1 million. While these projected costs do not reflect the anticipated County revenues from real estate taxes, personal property taxes, and sales tax, the financial costs of residential rezonings are not only significant, but they also generate ongoing expenses that will continue to escalate with the passage of time.
7. Regarding road capacity in this area, the traffic study that was conducted for this application, on page A-151, shows a failing Level of Service in 2008 at Shellhorn Road/Ashburn Village Boulevard in the morning, and in the evening at Waxpool Road/Old Shellhorn Road/Ryan Corner Place. We have a problem at Shellhorn Road/Waxpool Road in the evening and at Waxpool Road/London Drive in the evening.

The County's Level of Service policy indicates that land development will occur only along roads that function at a Level of Service D or better in the Suburban Policy Area. There is concern that the volume of vehicular traffic that would be generated from this rezoning would lead to traffic safety concerns in the vicinity.

8. Section 6-1211(E)10 asks the Commission whether the proposed rezoning considers trends of growth or changes, employment and economic factors, the need for housing, probable future economic and population growth of the County. The proposed rezoning does not take into account the fiscal impact associated with this application, the County's budget constraints, or the large backlog of approved and not yet built residential units. The County's 2007 Growth Summary indicates that as of the first of January in 2008, there were 41,712 residential units approved and not yet built in the County, and that included 18,083 multi-family units. In 2007 the County issued 2,739 building permits for new residential units. At the 2007 market rate, there is a fifteen-year backlog of residential units approved and not yet built.

**Vote:** (5-3, Brodrick, Klancher, Tolle opposed; Syska absent). *Staff Contact: Nicole Steele*

## **7. ZMAP 2008-0014, VILLAGE OF WAXPOOL**

### **Public Comment:**

- Cindy Jones, Village of Waxpool HOA, spoke in support of the application.

Ms. Chaloux moved, seconded by Ms. Austin, that the Planning Commission forward ZMAP 2008-0014, Village of Waxpool S2 Phase 1 to the Board of Supervisors with a recommendation of approval, subject to the Draft Proffer Statement dated March 31, 2009, and based on the Findings contained within the Staff Report.

**Vote:** (8-0-1, Syska absent). *Staff Contact: Nicole Steele.*

## **WORKSESSION FOLLOWING THE PUBLIC HEARING:**

### **1. SPEX 2008-0042, SPEX 2008-0067, ZMOD 2008-0015, THE COMPASS SCHOOL**

Mr. Klancher moved, seconded by Ms. Tolle, that the Planning Commission forward SPEX 2008-0042, SPEX 200-0067, ZMOD 2008-0015 The Compass School to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated April 9, 2009 and with the attached Findings for Approval. *The motion failed.* (4-4-1, Austin, Chaloux, Keeney, Robinson opposed; Syska absent).

Ms. Maio moved, seconded by Mr. Klancher, that the Planning Commission forward SPEX 2008-0042, SPEX 2008-0067, ZMOD 2008-0015, The Compass School to the Board of Supervisors with no recommendation. And further, that the vote reflects the arguments presented both for and against the application, particularly the modification required for the building size. Concurrently, that the Planning Commission forward copies of the Conditions of Approval dated April 9, 2009, and the attached Findings for Approval for the Board's consideration, and including the motions for denial in the Staff Report. (8-0-1, Syska absent). *Staff Contact: Stephen Gardner*

## **2. SPEX 2006-0026, MOOREFIELD STATION RETAIL DRIVE-THRU BANKS**

### **Disclosures:**

Ms. Tolle had a telephone conversation with Ann Goode, Reed Smith, Applicant Representative.

### **Motion:**

Ms. Chaloux moved, seconded by Ms. Robinson that the Planning Commission forward SPEX 2006-0026, Moorefield Station Retail Drive-Thru Banks to the Board of Supervisors with a recommendation of denial based on the finding that this particular use is not compatible with the purpose and intent of the Transit Related Center.

Mr. Klancher offered a substitute motion, seconded by Ms. Austin that the Planning Commission forward SPEX 2006-0026, Moorefield Station Retail Drive-Thru Banks to a Planning Commission worksession for further discussion, specifically for the purpose of following up on some of the issues discussed at the April 16, 2009 worksession including the provision of bike racks, the provision of walk-up ATMs available for public use, change in the finish, character, and texture of crosswalks, and for a refinement and clean-up of some of the graphics that illustrate what the applicant is proposing so people have a chance to look at this; and also for staff to review it with the applicant and prepare additional Conditions that reflect the addition of those things discussed at the April 16, 2009 worksession.

(5-3-1, Chaloux, Keeney, Robinson opposed; Syska absent). *Staff Contact: Nicole Steele.*